

**CRIMINAL DOCKET NO.: 5:07CR11-2-V**

**VS.**

## ORDER

For the reasons set forth within Defendant’s motion, and upon a finding of ‘reasonable cause’ to believe Defendant may be suffering from a mental disease or defect rendering him mentally incompetent to proceed (*i.e.*, unable to understand the nature and consequences of the proceedings against him or to assist properly in his defense), the Court will order that Defendant undergo an evaluation as proposed by defense counsel. *See* 18 U.S.C. §§4241(a) and (b); United States v. Mason, 52 F.3d 1286, 1289 (4<sup>th</sup> Cir.1995).

In order to facilitate the evaluation, the Court requests the immediate transfer of the Defendant from the Mecklenburg County Jail to F.C.I. Butner, or some like federal facility at the discretion of the U.S. Marshal's Service.

<sup>1</sup> Defendant's motion is labeled as an "Ex Parte Motion To Determine Competency." However, counsel served the Government with a copy of the motion. Thus, there is no need for the instant order to be treated as an *ex parte* motion or to be placed under seal.

**IT IS, THEREFORE, ORDERED THAT:**

- 1) Defendant's motion for evaluation is hereby **GRANTED**. Accordingly, Defendant shall undergo a psychiatric evaluation pursuant to 18 U.S.C. §§4241(a), 4242(a) and 4247(b) & (c);
- 2) Once completed, a copy of the psychiatric or psychological evaluation shall be filed with the Court, **UNDER SEAL**, pursuant to 18 U.S.C. §4247(c);
- 3) Upon receipt and filing, copies of the evaluation shall be distributed by the Deputy Clerk to Defense Counsel and the U.S. Attorney's Office consistent with the statute;
- 4) If the evaluation has not already been prepared and submitted to the Court, Counsel for Defendant shall file a **STATUS REPORT** with the Court **on or before Monday, February 25, 2008**; and
- 5) This Order shall be delivered (electronically or otherwise) to Defense Counsel, the U.S. Attorney's Office, the U.S. Probation Department, and the U.S. Marshal's Service.

Signed: January 3, 2008



Richard L. Voorhees  
United States District Judge

